

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SEKOU KWANE THOMPSON,)	CASE NO. CV 15-0693-SVW (PJW)
)	
Petitioner,)	ORDER DISMISSING SECOND OR
)	SUCCESSIVE HABEAS CORPUS PETITION
v.)	AND DENYING CERTIFICATE OF
)	APPEALABILITY
J. SOTO, WARDEN,)	
)	
Respondent.)	
_____)	

Before the Court is Petitioner's second attempt to challenge his 1990 conviction and sentence for first degree murder and explosion of a destructive device. The Court denied his first petition as time-barred in 1999. (*Thompson v. Ayers*, CV 98-7805-RMT (VAP), May 4, 1999 Order Adopting Findings, Conclusions, and Recommendations of United States Magistrate Judge.) He subsequently filed a request for a certificate of appealability, which was denied by the Ninth Circuit Court of Appeals. (*Thompson v. Ayers*, CCA No. 99-56284, December 23, 1999 Order.) The Court's finding that his claims were time barred created "a 'permanent and incurable' bar to federal review of the underlying claims." *McNabb v. Yates*, 576 F.3d 1028, 1030 (9th Cir. 2009). Absent an order from the Ninth Circuit, Petitioner may not bring a habeas petition challenging his 1990 conviction and sentence

1 in this court. See 28 U.S.C. § 2244; see also *Burton v. Stewart*, 549
2 U.S. 147, 157 (2007) (holding district court lacks jurisdiction to
3 consider the merits of a second or successive petition absent prior
4 authorization from the circuit court). For this reason, the Petition
5 is dismissed.

6 Further, the Court finds that Petitioner has not made a
7 substantial showing of the denial of a constitutional right or that
8 the Court erred in its procedural ruling and, therefore, a certificate
9 of appealability will not issue in this action. See 28 U.S.C.
10 § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.
11 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

12 IT IS SO ORDERED.

13 DATED: February 3, 2015



16 STEPHEN V. WILSON
17 UNITED STATES DISTRICT JUDGE

18 Presented by:

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21 _____
22 PATRICK J. WALSH
23 UNITED STATES MAGISTRATE JUDGE
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